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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,195	04/09/2001	Sanjiv (Sam) K. Agarwal		3664

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SANJIV (SAM) K. AGARWAL
1300 CHESTERTON DRIVE
RICHARDSON, TX 75080

EXAMINER

KIDD, MARKY M

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/828,195

Applicant(s)

AGARWAL ET AL.

Examiner

Marky M Kidd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) 1-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure that goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited. For example, use of the term "etc". is deemed indefinite and should be removed. Applicant's use of parenthesis is also considered informal, and should only be utilized when delineating numbers related to the figures in the drawings. Applicant should refer to the claims in the prior art of record as an example of claims with proper format.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 2, ~~3~~, 6-14 and 18-20** are rejected under 35 U.S.C. 102(e) as being unpatentable by Fortman et al (US Patent Number 5,987,100).

FT

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Regarding **claims 1**, Fortman discloses a network messaging system (messaging center) that is capable of receiving messages from worldwide enterprises' applications and individuals in various formats including, but not limited to voice, text, graphics, video, and sound (column 3, lines 50-64); and capable of automatically converting (column 7, lines 5-19) and delivering them to multiple messaging devices in singular or broadcast manner (Table 3, column 8) and providing the additional capability of a 2-way communication where the recipients (subscriber) can respond back by using various messaging devices (column 8, line 23-30); the system uses databases (server services: voicemail, ADSI, fax, e-mail, and page) for storing the messages, status, destination device information (column 4, lines 50-67); these messages may be delivered directly into the database by authorized applications in the enterprise or by using a standard interface (transceiver interface 4100) giving significant flexibility for expeditious system development and deployment (column 4, lines 22-30); additionally, the systems modular methods (called "engines" in this invention) allow for easy replication resulting in scalability, higher efficiency and reliability. The claimed engine is met by the service provider (3200, Figure 3), which provides easy replication thereby inherently resulting in scalability, higher efficiency, and reliability in the system.

Regarding **claim 2**, Fortman discloses all the limitations of the disclosed claim 1. Fortman further discloses the method of providing a two-way communication by the recipients (subscribers) to acknowledge receipt of the messages and/or to execute commands remotely (column 8, lines 6-30). It is inherent that a recipient is able to send and acknowledgment of receipt of the message since the recipient has the ability to respond to retrieved messages.

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Regarding **claims 4, 19 and 20**, Fortman discloses all the limitations of the disclosed claim 1. Fortman further discloses the method of scalability, efficiency and reliability. The service provider (3200) allows for flexibility in the format retrievable and response to messages, and the built in servers give the ability for replication of the system to be scalable, efficient, and reliable. The system allows for different users of different equipment to store, retrieve, and respond to messages with different equipment within the current environment for a productive, and cost efficient operation (column 2, lines 39-64).

Regarding **claim 6**, discloses all the limitations of the disclosed claim 1. Fortman further discloses the method for alternate messaging protocols (column 4, lines 16-30). It is inherent that if different formats are being converted and used through different types of networks the system has to be able to use alternate messaging protocols.

Regarding **claim 7**, Fortman discloses all the limitations of the disclosed claim 1. It is inherent that the uses of the system as disclosed in Fortman is used for multiple industry uses as described in some examples given in "Examples of Uses" section of this document. The system as disclosed in Fortman can be implemented in any type of industry and mainly equipped to accommodate busy people in the work environment.

Regarding **claim 8**, Fortman discloses all the limitations of the disclosed claim 1. Fortman further discloses implementation for automated messaging from various enterprise-wide applications including but not limited to server applications, client/server applications, web browser based applications and direct interface from messaging devices (column 4, lines 7-15 and lines 47-49).

Regarding **claim 9**, Fortman discloses all the limitations of the disclosed claim 1. Fortman further discloses handling any and all messaging devices, such as, but not limited to wireless telephones, wired telephones, pagers, palm pilots, fax machines, e-mails, etc (column 3, lines 50-67 and column 4, lines 1-6). It does not necessarily require pre-registration or subscription to a particular service provider (3200), which results in flexibility and expeditious implementation of the system (column 8, lines 48-55). The caller doesn't need to be a subscriber to the system to store a message for a subscriber or receive replies from the subscriber.

Regarding **claim 10**, Fortman discloses all the limitations of the disclosed claim 2. Fortman further discloses the method for the recipient to acknowledge receipt of the message and/or respond back by using any of the messaging devices (column 7, lines 65-67, column 8, lines 1-26 and column 9, lines 1-5). Recipients are able to respond to messages in any format that is available to the recipient and it will be converted.

Regarding **claim 11**, Fortman discloses all the limitations of the disclosed claim 2. Fortman further discloses the method for the system to accepts (figure 9, item 910), process the responses (figure 9, item 930) and verify authorization before accepting the responses (figure 9, item 920).

Regarding **claim 12**, Fortman discloses all the limitations of the disclosed claim 2. Fortman further discloses the method of delivering the responses back to the appropriate destinations (Figure 9, item 970 and item 995). If the caller is a subscriber to the system then the response is stored in the caller's mailbox for retrieval later (figure 9, item 930, 940, 950, 960 and 970). However, if the caller isn't a subscriber then the system locates the caller and delivers the message to the caller in the appropriate format (figure 9, item 980, 990, and 995).

Regarding **claim 13**, Fortman discloses all the limitations of the disclosed claim 2. Fortman further discloses the method of providing a two-way communication (respond to message) include a capability to receive (column 8, lines 1-5), to verify authorization and accept commands from authorized recipients (column 8, lines 23-67).

Regarding **claim 14**, Fortman discloses all the limitations of the disclosed claim 2. Fortman further discloses the method of providing a two-way communication, which includes a capability of execution of commands (claim 8) on the specified host (column 4, lines 43-67 and column 8, lines 31-67).

Regarding **claim 18**, Fortman discloses all the limitations of the disclosed claim 4. Fortman further discloses the method of providing scalability; efficiency and reliability consist of modular techniques (service provider with server elements, column 4, lines 44-49) for creating the various methods called the engines.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 3, 5, 15 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortman in view of Segur (US Patent Number 6,212,550).

Regarding **claim 3**, Fortman discloses all the limitations of the disclosed claim 1. Fortman, however, is silent on the issue of providing automatic escalation of delivery of messages. Segur discloses a client server environment that allows stores and converts messages

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in one format to another format for retrieval (column 1, lines 56-65). Segur further discloses stores messages having the ability to be stored with a priority and giving the message a higher priority depending on the urgency in the voice of the caller, the identity of the caller, or the caller putting a high priority on the message (column 3, lines 35-65). Therefore, it would have been obvious to one skilled in the art to modify the method of Forman to include the method of Segur to ensure that messages can have escalation of delivery to allow subscribers of the system to listen to important messages.

Regarding **claim 5**, Fortman and Segur discloses all the limitations of the disclosed claim

1. Segur further discloses the capabilities for automatic directory lookups for broadcast (group) messaging (column 3, line 66 and column 4, line 1-10).

Regarding **claim 15**, Fortman and Segur discloses all the limitations of the disclosed claim 3. Fortman further discloses the method of providing automatic escalation of delivery of messages include capability of the system to accept a hierarchy of messaging devices to be used for automatic message delivery escalation (column 7, lines 20-31).

Regarding **claim 17**, Fortman and Segur both disclose all the limitations of the disclosed claim 3. Fortman and Segur are silent on the method of providing automatic escalation of delivery of messages include capability of the system to broadcast messages to all the devices in the hierarchy if the message is designated as urgent. However, Segur does disclose the ability to broadcast messages to devices in the system simultaneously (column 3, line 66). Therefore, it would have been obvious at the time of the invention to modify the system of Fortman to implement the method of Segur to enable priority messages are broadcasted to all the devices in the hierarchy in order to ensure that the subscribers are able to listen to urgent messages.

5. **Claim 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over Fortman in view Segur in further in view of Yue et al (US Patent Number 5,717,741).

Regarding **claim 16**, Fortman and Segur both disclose all the limitations of the disclosed claim 3. Fortman and Segur, however, both are silent on the issue of providing automatic escalation of delivery of messages include capability of the system to accept specification of escalation time intervals which is used by the system to attempt delivering the message to the next device in the hierarchy after a delay of the specified interval if the recipient does not acknowledge receipt. Yue discloses a method of handling telephonic messages that allows subscribers to designate a hierarchical list of destinations for communication to be delivered (column 6, lines 47-65). Therefore, it would have been obvious at the time of the invention to modify the method of Fortman in view of Segur in further view of Yue in order to ensure that accept time intervals in which to deliver messages within a hierarchy if the recipient doesn't respond.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marky M Kidd whose telephone number is 703-305-8149. The examiner can normally be reached on Monday-Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5403 for regular communications and for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Marky M Kidd
Examiner
Art Unit 2645

May 5, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', written in a cursive style.